

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JAMEL MONROE,

Plaintiff,

v.

9:05-CV-1590
(FJS)(GHL)

CRITELLI, Correction Officer; JANE DOE, Mail Room
Clerk; T. VIRKLER, Inmate Grievance Program Supervisor;
and LOCKWOOD, Correction Officer,

Defendants.

APPEARANCES:

OF COUNSEL:

JAMEL MONROE
Plaintiff, *pro se*

HON. ANDREW M. CUOMO
New York State Attorney General
Attorney for Represented Defendants

ED J. THOMPSON, Esq.
Assistant Attorney General

GEORGE H. LOWE, United States Magistrate Judge

DECISION and ORDER

Plaintiff Jamel Monroe has filed a motion to compel discovery pursuant to Rule 37 of the Federal Rules of Civil Procedure ("FED. R. CIV. P."). Dkt. No. 22. Plaintiff seeks to compel a response to Interrogatories and a Request for Production of Documents served upon the Defendants on July 11, 2006. *Id.*, Aff. at 1. Plaintiff has attached to his motion a copy of a letter sent to the attorney for the Defendants which indicates that he made some good faith effort to resolve the discovery dispute prior to filing his motion to compel as is required by Rule 7.1(d) of the Local Rules of the Northern District of New York ("Local Rules").

Defendants oppose Plaintiff's motion as moot. Defendants indicate that they have now responded to all of Plaintiff's discovery requests. Dkt. No. 25. Although Defendants have failed to

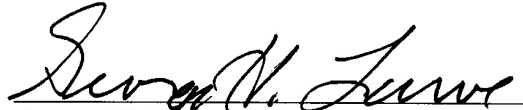
provide the Court with copies of their responses, it is telling that Plaintiff has not taken exception to Defendants' assertion that they have responded to Plaintiff's discovery requests. Accordingly, Plaintiff's Motion to Compel is **denied as moot**. *See, e.g., Hamilton v. Poole*, No. 95-CV-239H, 1997 WL 626406, at *6 (W.D.N.Y. Sep. 22, 1997) (denying motion to compel filed by plaintiff where defendants responded to discovery after motion was filed).

WHEREFORE, it is hereby

ORDERED, that Plaintiff's Motion to Compel (Dkt. No. 22) is **DENIED as moot**, and it is further

ORDERED, that the Clerk serve a copy of this Order on the parties.

Dated: February 2, 2007
Syracuse, New York


George H. Lowe
United States Magistrate Judge